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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/747,691	12/30/2003	Mitchell S. Steiner	P-4595-US2	2853
49443 7590 02/09/2007 PEARL COHEN ZEDEK LATZER, LLP 1500 BROADWAY 12TH FLOOR			EXAMINER	
			WEDDINGTON, KEVIN E	
NEW YORK, NY 10036			ART UNIT	PAPER NUMBER
			1614	
SHORTENED STATUTOR	RY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE	
31.1	DAYS	02/09/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

·	Application No.	Applicant(s)	
	10/747,691	STEINER ET AL.	
Office Action Summary	Examiner	Art Unit	
	Kevin E. Weddington	1614	
The MAILING DATE of this communication app Period for Reply	pears on the cover sheet with the c	orrespondence address	
A SHORTENED STATUTORY PERIOD FOR REPL WHICHEVER IS LONGER, FROM THE MAILING D. - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period of Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be timwill apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).	
Status		,	
 1) Responsive to communication(s) filed on <u>03 D</u> 2a) This action is FINAL. 2b) This 3) Since this application is in condition for alloware closed in accordance with the practice under B 	s action is non-final. nce except for formal matters, pro		
Disposition of Claims			
4) ☐ Claim(s) 1-40 is/are pending in the application 4a) Of the above claim(s) is/are withdra 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) 1-40 are subject to restriction and/or	wn from consideration.		
Application Papers			
9)☐ The specification is objected to by the Examine 10)☒ The drawing(s) filed on <u>03 December 2003</u> is/a Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11)☐ The oath or declaration is objected to by the Ex	are: a)⊠ accepted or b)□ object drawing(s) be held in abeyance. See tion is required if the drawing(s) is ob	e 37 CFR 1.85(a). jected to. See 37 CFR 1.121(d).	
Priority under 35 U.S.C. § 119			
 12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the priority application from the International Burea * See the attached detailed Office action for a list 	ts have been received. ts have been received in Applicati rity documents have been receive u (PCT Rule 17.2(a)).	on No ed in this National Stage	
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal F 6) Other:	ate	

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DETAILED ACTION

Applicants' drawings filed December 3, 2003 has been received and entered.

Due t the complex nature of the claims, no request for an oral election is being made. Please see MPEP 812.01.

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-10 are drawn to a method of treating a subject with hot flashes, said method comprising the step of administering to subject an anti-estrogen agent and/or its pharmaceutically acceptable salt, hydrate, N-oxide, or any combination thereof, classified in class 514, subclasses 179 and 310.
- II. Claims 11-20 are drawn to a method of suppressing, inhibiting or reducing the risk of hot flashes, said method comprising the step of administering to subject an anti-estrogen agent and/or its pharmaceutically acceptable salt, hydrate, N-oxide, or any combination thereof, classified in class 514, subclasses 179 and 310.
- III. Claims 21-30 are drawn to a method of treating a subject with gynecomastia, said method comprising the step of administering to subject an anti-estrogen agent and/or its pharmaceutically acceptable salt, hydrate, N-oxide, or any combination thereof, classified in class 514, subclasses 179 and 310.

IV. Claims 31-40 are drawn to a method of suppressing, inhibiting or reducing the risk of gynecomastia, said method comprising the step of administering to subject an anti-estrogen agent and/or its pharmaceutically acceptable salt, hydrate, N-oxide, or any combination thereof, classified in class 514, subclasses 179 and 310.

The four inventions are independent and distinct, each from the other, as they have acquired a separate status in the art as shown by their different and separate subject matter for inventive effort. Further, a reference, which anticipates any one of the above inventions, would neither anticipate nor make obvious of the other inventions. Each such invention is capable of supporting its own patent. For these reasons, the restriction requirement is proper.

To be complete, applicants' response must include a provisional election even though the requirement may be traverse.

The applicants are required to elect a single invention for examination purposes.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin E. Weddington whose telephone number is (571) 272-0587. The examiner can normally be reached on 12:00 am-8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ardin Marschel can be reached on (571) 272-0718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kevin E. Weddington Primary Examiner Art Unit 1614

K. Weddington February 6, 2007